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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-199359

DATE: September 5, 1980

MATTER OF: General Mills, Inc.

[Protest of Specification] *dis 0996*
DIGEST:

Cancellation of invitation renders protest of specification moot. Fact that specification may be used with subsequent invitations does not render protest viable prior to issuance of new solicitation.

General Mills, Inc. protests a Commodity Credit Corporation (CCC) specification for fortified cereal. The protester's primary concern is with the provision limiting the added sugar content of cereals to be purchased.

The specification is contained in Announcement FC-1, issued May 23, 1980, which is a standard document of contract terms and conditions to be used in conjunction with invitations to be issued periodically for the purchase of cereal by the CCC on behalf of the Food and Nutrition Service, United States Department of Agriculture. General Mills protested directly to CCC when the Announcement was issued. Subsequently, on June 6, 1980, CCC issued invitation I under the Announcement. General Mills then protested to this Office. On June 30, 1980, CCC canceled the invitation. The agency now takes the position that the protest is moot. General Mills argues that the invitation cancellation does not affect the existence of the Announcement which the agency concedes continues to reflect the specifications that will apply to any future invitations, and that the protest is not therefore moot.

We agree with the agency. Under our Bid Protest Procedures, 4 C.F.R. part 20 (1980), we consider protests of an award or proposed award of a contract.

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4 C.F.R. § 20.1(a). There is no award or proposed award pending--there is only a specification which may be utilized in a future procurement. We have often taken the position that a protest of a specification in such circumstances is premature and should await the issuance of a solicitation. See Constantine N. Polites & Co., B-189214, October 18, 1979, 79-2 CPD 267; Nixdorf Computer Corporation, B-193118, November 8, 1978, 78-2 CPD 334; Franklin Solid Waste Service, Inc., B-188961, June 22, 1977, 77-1 CPD 445; San Diego Marine Construction Corp., B-133170, August 27, 1976, 76-2 CPD 196.

Consequently, the protest is dismissed.

Harry D. Van Cleave
for Milton J. Socolar
General Counsel